United Nations CRC/C/OPAC/RUS/CO/1

Convention on the Rights of the Child

Distr.: General
25 February 2014

Original: English

Committee on the Rights of the Child

Concluding observations on the report submitted by the Russian Federation under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict*

1. The Committee considered the initial report of the Russian Federation (CRC/C/OPAC/RUS/1) at its 1865th meeting (see CRC/C/SR.1865), held on 24 January 2014, and adopted at its 1875th meeting, held on 31 January 2014, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the State party's initial report (CRC/C/OPAC/RUS/1) providing information on its fulfilment of the rights guaranteed by the Optional Protocol and the written replies to the list of issues (CRC/C/OPAC/RUS/Q/1/Add.1), taking into account the difficulties in producing those documents for the first time. The Committee also expresses its appreciation of the constructive dialogue held with the high-level and multisectoral delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the State party's combined fourth and fifth periodic reports under the Convention (CRC/C/RUS/CO/4-5), adopted on 31 January 2014.

II. General observations

Positive aspects

4. The Committee welcomes the ratification by the State party of :

(a) United Nations Convention against Transnational Organized Crime, in May 2004;

* Adopted by the Committee at its sixty-fifth session (13–31 January 2014).

(b) International Labour Organization Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, in January 2003;

(c) Geneva Conventions of 1949, in May 1954, and the Additional Protocols I and II thereto, in September 1989.

5. The Committee welcomes the various positive measures taken in areas relevant to the implementation of the Optional Protocol, in particular the State party's declaration made upon the ratification of the Optional Protocol that the minimum age for conscription for military service and entering into a contract to perform military service is 18 years.

III. General measures of implementation

Data

6. The Committee regrets the insufficient data on children below the age of 18 years studying in military schools and asylum-seeking, refugee and migrant children who may have been recruited or used in armed hostilities in other countries.

7. **The Committee recommends that the State party establish a mechanism for the comprehensive collection of data, disaggregated by sex, age, nationality, ethnic origin and socioeconomic background, on all areas relevant for the implementation of the Optional Protocol. In particular, such data should be collected in relation to children below the age of 18 years in military schools and asylum-seeking, refugee and migrant children under the State party's jurisdiction who may have been involved in armed hostilities in other countries.**

IV. Prevention

Voluntary recruitment

8. The Committee notes that, according to its declaration made upon the ratification of the Optional Protocol and its 1998 Military Conscription and Military Service Act, children who have reached the age of 16 are entitled to admission to professional military educational institutions and thereupon acquire the status of members of the military performing compulsory military service. The Committee also notes the State party's declaration that it guarantees that such children shall conclude military service contracts on reaching the age of 18, but not before they have completed the first year of education in these educational institutions. The Committee is concerned that the declaration is not sufficient to prevent the voluntary recruitment of children under the age of 18 into the Armed Forces.

9. **The Committee recommends that the State party amend its laws and policies to ensure that children under the age of 18 enrolled in higher military institutions are never the subject of voluntary recruitment, even when they receive a military education.**

Military schools

10. The Committee is concerned that:

(a) Boys as young as 15 years of age attending the general schools undergo basic military training, which involves firearms training;

(b) Children as young as 10 years of age enrolled in military schools undergo basic military training;

(c) Boys from care institutions or in other vulnerable situations aged between 12 and 15 years are enrolled in cadet schools, often without their consent, or the consent of their parents when parental rights have not been removed, or often without their having the necessary information to make an informed decision. Such children are subjected to military discipline and punishment;

(d) Children in military schools and higher military institutes are subjected to military discipline and punishment and often face violence and bullying;

(e) Military schools and institutions lack the necessary means to provide for the special needs of girls.

11. **The Committee recommends that the State party:**

(a) Take measures to ban military training involving the use of firearms and combat training for children under the age of 18 in both general and military schools;

(b) Establish regular monitoring of military schools to ensure that the school curriculum and the teaching personnel comply with the Optional Protocol;

(c) Provide children from care institutions and in other vulnerable situations, or their parents or guardians, with the necessary information to take an informed decision to enrol in military schools and ensure that no child is enrolled without his/her explicit consent;

(d) Ensure that children under the age of 18 who are admitted to cadet schools and higher military institutes are not subjected to military discipline and punishment and do not become victims of violence and bullying;

(e) Establish special measures in order to address the specific needs of girls in military establishments.

Human rights and peace education

12. The Committee regrets the lack of information on whether conscripts and soldiers on active duty are provided with regular and mandatory human rights and peace education, including on the provisions of the Optional Protocol.

13. **The Committee recommends that the State party take the necessary measures to include human rights and peace education and education on the provisions of the Optional Protocol in the compulsory curriculum for conscripts and persons in active military service.**

V. Prohibition and related matters

Prohibition of recruitment

14. The Committee notes the 1998 Military Conscription and Military Service Act, which allows for the conscription of men between 18 and 27 years of age and women with the military proficiency qualification. It also notes the provisions of the Criminal Code indirectly criminalizing unlawful conscription into the Armed Forces, including article 359 of the Criminal Code prohibiting the recruitment and use in hostilities of mercenaries, including children, and articles 208 and 210 of the Criminal Code criminalizing the establishment of illegal armed groups and participation in criminal associations. However, the Committee is concerned that the recruitment of any children, not just child mercenaries,

under the age of 18 by the Armed Forces or by non-State armed groups and the use, involvement and participation of children in hostilities are not explicitly prohibited or criminalized by the Criminal Code of the State party.

15. **The Committee recommends that the State party amend its Criminal Code to add provisions that explicitly criminalize the recruitment of all children under the age of 18 by the Armed Forces or by non-State armed groups and the use, involvement and participation of children in hostilities.**

Impunity

16. The Committee is concerned that the State party failed to investigate cases of alleged involvement of children in non-State armed groups and the cases where children fell victim to hostilities during the conflicts in the Chechen Republic of the Russian Federation.

17. **The Committee recommends that the State party take the necessary measures to investigate cases of the involvement of children under the age of 18 in hostilities during the conflicts in the Chechen Republic, that all those responsible for such offences be held accountable, prosecuted and sanctioned, and that the victims obtain redress.**

Extraterritorial jurisdiction and extradition

18. The Committee notes that, if crimes are committed by a foreigner or stateless person who does not permanently reside in the State party, the State party's legislation provides for extraterritorial jurisdiction over crimes against the interests of the State party, and in cases provided for by international agreement unless the foreigner or stateless person has been convicted in a foreign State or the State party. However, the Committee is concerned that there are no legal provisions that explicitly provide for extraterritorial jurisdiction for offences under the Optional Protocol. Furthermore, the Committee is concerned that double criminality is a requirement for extradition for offences under the Optional Protocol.

19. **The Committee recommends that the State party take all the necessary steps to ensure that its domestic legislation explicitly enables it to establish and exercise extraterritorial jurisdiction over all offences under the Optional Protocol, including the recruitment and use in hostilities of children under the age of 18. The Committee also urges the State party to remove the requirement of double criminality for the extradition for offences covered by the Optional Protocol. It calls upon the State party to consider ratifying the Rome Statute of the International Criminal Court.**

VI. Protection, recovery and reintegration

Measures adopted to protect the rights of child victims

20. The Committee is concerned about the lack of mechanisms in place to identify at an early stage refugee, asylum-seeking and migrant children who may have been involved in armed conflicts in other countries. It also regrets the lack of information on the procedures for their protection, recovery and reintegration.

21. **The Committee recommends that the State party put in place mechanisms to identify at an early stage refugee, asylum-seeking and migrant children coming from countries where there are or have been armed conflicts and who may have been involved in armed conflict. It also recommends that the State party ensure that the personnel responsible for such identification are trained in child rights, child protection and interviewing skills. The Committee further recommends that the State party develop protocols and specialized services to ensure that former child soldiers**

are provided with appropriate assistance for their physical and psychological recovery and social reintegration.

VII. International assistance and cooperation

International cooperation

22. **The Committee calls upon the State party to continue and to strengthen its cooperation with the International Committee of the Red Cross, the Office of the United Nations High Commissioner for Refugees and the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore increased cooperation with other relevant United Nations entities in the implementation of the Optional Protocol. The Committee also recommends that the State party use its permanent position in the Security Council in a more consistent and child rights-focused manner, in order to promote the implementation of the Optional Protocol in all States parties.**

Arms export and military assistance

23. The Committee is concerned at reports of the export of arms by the State party to numerous countries, including the Syrian Arab Republic, where children are used by armed groups and fall victim to armed conflict. In that regard, the Committee regrets the lack of information with respect to legislation or policies of the State party concerning the trade and export of arms to countries where children are known to have been or are involved in armed conflict. The Committee is further concerned that the State party has not ratified the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, or the Convention on Cluster Munitions.

24. **The Committee recommends that the State party reconsider its policies in relation to the trade and export of arms to countries where children are known to have been or are involved in armed conflict. It also recommends that the State party ratify the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on Cluster Munitions.**

VIII. Follow-up and dissemination

25. **The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations by, inter alia, transmitting them to the Duma, relevant ministries, including the Ministry of Defence, the Supreme Court and local authorities, for appropriate consideration and further action.**

26. **The Committee recommends that the initial report and written replies submitted by the State party and the related concluding observations adopted by the Committee be made widely available in Russian and minority languages, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Optional Protocol and its implementation and monitoring.**

IX. Next report

27. **In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in its next periodic report under the Convention on the Rights of the Child in accordance with article 44 of the Convention.**